

EXPRESS MAIL NO.: EV020611412US #3

PTO/SB/01A (10-00).

Approved for use through 10/31/2002. OMB 0651-0032. U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	SYSTEM AND METHOD FOR DATA TRANSFER OPTIMIZATION IN A PORTABLE AUDIO DEVICE
--------------------	--

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. 09/975,749, filed on 10/10/01,
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one:	Eric P. Gibbs	Citizen of:	U.S.A.
---------------	---------------	-------------	--------

Signature:	<u>Eric P. Gibbs</u>	Date:	<u>12/13/01</u>
------------	----------------------	-------	-----------------

Inventor two:	Mark E. Phillips	Citizen of:	U.S.A.
---------------	------------------	-------------	--------

Signature:	<u>Mark E. Phillips</u>	Date:	<u>12/13/01</u>
------------	-------------------------	-------	-----------------

Inventor three:		Citizen of:	
-----------------	--	-------------	--

Signature:		Date:	
------------	--	-------	--

Inventor four:		Citizen of:	
----------------	--	-------------	--

Signature:		Date:	
------------	--	-------	--

Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Docket No.480180.401

239,794